



## INTERIOR BOARD OF INDIAN APPEALS

Cecil W. Provost v. Aberdeen Area Director, Bureau of Indian Affairs

25 IBIA 186 (02/23/1994)

Denying reconsideration of:  
25 IBIA 173

Further request for reconsideration:  
25 IBIA 233



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

CECIL W. PROVOST,  
Appellant

v.

ABERDEEN AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Denying Petition for  
: Reconsideration  
:  
:  
: Docket No. IBIA 93-106-A  
:  
:  
: February 23, 1994

In a letter dated February 15, 1994, appellant Cecil W. Provost has responded to supplemental information provided to the Board by the Aberdeen Area Director, Bureau of Indian Affairs (Area Director), in regard to the composition of the Yankton Sioux Business and Claims Committee. The Board issued an order dismissing this appeal on February 15, 1994. 25 IBIA 173. It thus appears that the Board's order and appellant's response crossed in the mail.

The Board will treat appellant's response as a petition for reconsideration. Reconsideration of Board decisions is governed by 43 CFR 4.315(a) which states in pertinent part: "Reconsideration of a decision of the Board will be granted only in extraordinary circumstances."

Although appellant objects to certain statements made by the Area Director, he does not contest the dispositive statement that an election of Committee members was held on September 2, 1993, and that the election was not challenged. The Board dismissed this appeal on the grounds that a valid tribal election had been held while the appeal was pending. Appellant has not shown why this dismissal should be reversed.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1 and 4.315, this petition for reconsideration is denied.

//original signed

Kathryn A. Lynn  
Chief Administrative Judge

//original signed

Anita Vogt  
Administrative Judge